IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR
Criminal Application No. 1461/2007

Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders.	**Court's or Judge's Orders.**

CORAM : **A.P. Lavande, J**
DATE : 8.6.2007

Heard Mr. Sonbhadre, learned counsel for the applicants and Mrs. Jog, learned A.P.P. for the respondent.

2. At the outset, Mr. Sonbhadre, the learned counsel for the applicants submits that he is not pressing the application in so far as the applicant no.3 Vijay Ramesh Hadge is concerned and states that he will surrender before the Magistrate and apply for bail. In view of the statement made by Mr. Sonbhadre, the application in so far as applicant Vijay Ramesh Hadge is concerned, is dismissed as not pressed.

3. Applicants 1 and 2 apprehending arrest in crime no. 51/07 for the offence punishable under Section 498 A read with Section 34 of the Indian Penal Code registered at Gadchiroli Police Station, seek anticipatory bail. The applicants 1 and 2 apprehend that they may be arrested pursuant to F.I.R. registered by Sadhana w/o Vijay Hadge. According to Mr. Sonbhadre the applicants are staying

separately and they have not taken any part in the alleged commission of the offence and, therefore, this is a fit case in which the applicants deserve to be granted anticipatory bail.

4. Per contra, Mrs. Jog, learned A.P.P. states that there is prima facie case under Section 498 A read with Section 34 of the Indian Penal Code against the applicants. However, it is not disputed by Mrs. Jog that investigation papers reveal that the applicants are staying separately. According to Mrs. Jog, the applicants were instigating their son to demand money from his wife.

5. Considering the nature of the allegations and the investigation carried out so far and also considering the age factors of the applicants 1 and 2, I am of the considered opinion that the custodial interrogation of the applicants 1 and 2 is not warranted for the investigation of the crime and this is a fit case in which applicants 1 and 2 deserve to be released on bail in the event of their arrest. Hence, I pass the following order.

6. In the event of arrest of the applicants 1 and 2 in connection with the crime no. 51/07 registered in Police Station, Gadchiroli, each of them shall be released on bail upon executing the bail bond in the sum of Rs. 10,000/- with one surety in the like amount to the satisfaction of the investigating officer subject to following conditions.

i) The applicants 1 and 2 shall attend the Police Station, Gadchiroli as and when directed by the investigating officer and shall also cooperate with the investigating officer in the investigation of the crime;

ii) The applicants 1 and 2 shall not directly or indirectly tamper with the prosecution evidence;

This order shall be operating till filing of the charge sheet.

The application is disposed of.

Hamdast allowed.

Judge

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